



Courts being so many and various, as Three weeks Spiritual Court, and Visitations, Corporation Courts, Mannor Courts, of most strange Privileges and Customs, County Courts, Hundred Courts, Leets, Sheriffs Turn, &c. with several Prisons to most, or many of them incident, or used; and several places wherein the Body is Arrested with a white Rod, and Prison peculiar thereunto, have of late, by their practises, much decayed Trade and good Husbandry. And first of the Spiritual Court.

There being no Law for an Assesment towards the Reparations of the Church, the Clergy usually Asses at pleasure.

Now if a man, through inequality of such Assesment, refuse payment, or on some trivial concern of small Tithes, or displeasure taken by the Minister, or Court-Officers, is entred into Court, and Excommunicated, which costs, to purchase an Absolution, 2*l.* 3*l.* and some 4*l.* nay 5*l.* a Head to the Register, according to the people's ignorance, and with it, many times, the Register takes the Church-Rates (the ground of the Presentment) keeps it, the Parishioners being remediless to have it from him, and many times the Minister also, if no good Benefactor. And admitting the Excommunication not being purchased off, presently not regarding the method in Law, is gotten a Writ, *De Excommunicato capiendo*, whereon several hath lain long in Prison, and several, to be freed thereof, have paid 8 and 10*l.* pound a man.

About Anno 1672. a Farmer having his Servant gotten with Child by his Neighbour, on whom she fathered it, and which not onely, in maintaining the Child, and at Sessions, cost the reputed Father much Money, but in this Spiritual Court, for commutation of Pennance, much more; and so cunningly managed, in revenge for the Farmer's endeavouring to prosecute his Neighbour, for maintenance of the Child, and indemnifying the Parish, that the Neighbour soon after, gets to be Church-warden, and gets a lewd fellow to say, the Farmer committed Fornication with one *L.* and then at Visitation-Court about Easter 1674. makes Presentment, that there was a fame within their Parish, that, &c. should commit Fornication with, &c. Whereupon the Register sets the Parator to work with Citation, &c. Excommunication follows, and the Court enforced the Farmer to bring four Compurgators, a mockery to the Oath *Ex Officio*, to swear they believed him not guilty; and so with loss of about 5*l.* for Fees or Commutation got off. But still the Farmer being the grieved person, remediless, and his Neighbours actions *Ex Officio*.

Several whose necessities absenting them from Visitation-Court, have been presented, Church-wardens Excommunicated, and vast Sums of Money extorted from them.

One presented Church-warden the Oath tendred the Archdeacon, telling him, the same was not so dangerous as a Constable's Oath, and easier to be kept; and willing to get mony in a swift manner, ask'd him thrice, [Will you take the Oath?] not suffering the poor man's answer to intervene; enters him Contumacious, and orders Excommunication to issue. Yet the man offered (as being a Member of the Church of England, frequents no other, &c. loving the Rites and Ceremonies thereof, &c.) to do the Office, and give a just account to the Parish: but nothing but money could work, and that no inferiour Sum. Others have refused the Oath, being never to be kept, which have cost them vast sums of money.

Nomination of Church-wardens, taking their Accompts, new Books of Articles every year (though the very same) and Parish forced Presentments, costs the Parishioners annually very large sums.

For Absolutions, Compurgations, and Commutations to the Archdeacon, Official, Register, Proctors, and Apparitors, are several thousands Annually paid, and never any thing by it amended, or business determined, but suspended, to the ruine of most who have been in this Court concerned.

For Commissions, *ad Examinand.* wherein the Clergy are Commissioners, Registers, the Clerks are five times the charge of a Chancery Commission, 20*l.* a day small Fees; yet no cause determined.

Probate of Wills, wherein are paid Excessive Fees, the grieved not daring to seek relief, on all occasions of offence lying under Excommunication, &c. Will being the Spiritual Law.

Thousands at this day lie prisoners for Toys and Trifles, by the Writ *Excom. Capiend.*

If one guiltless is accused of a Base Child, maintain it, and suffer Penalties of Statute therefore.

If *A.* say, you incontinently knew *B.* 'tis a fame.

If you come not to your own Parish Church, though you go to another nearer by several miles.

Physicians, Chyrurgeons, Midwives, not Probat of Wills, though hindred by several accidents.

Excommunication, and for each Offence an Absolution, with Fees, &c. costs near about 10*l.* a man.

Next of other Inferiour Courts, and their manner of practise; and first in the Reasons against the Bill for erecting Courts of Conscience, Inferiour Courts are commended for quickness and easiness. Whereto is truly answered,

That the Inferiour Courts are more slow and expensive than the Courts of Westminster, seldom any Trial but is above six moneths standing; and for Costs, 'tis frequent to amount on the Plaintiffs part to 5, 6, and 8*l.* and on the Defendants, from 3*l.* 10*s.* to 6*l.* 10*s.* as by several Bills can be manifested. The Courts of Westminster do as seldom exceed 6*l.* as these are under; and although many of these Courts hold not plea of 40*s.* yet by the Stewards favour, they do usually fetch up in Costs. And the Steward signing the Bill of Costs, how grievous soever, the grieved are remediless.

Jurors consist mostly of Six, and returned by the Bailiffs by direction from the Steward, and, as to their quality, are mostly Bailiffs, loose Attendants on the Court, men of small Reputation, and less Estate.

To all or most of these Inferiour Courts, &c. as appurtenant, are Leets and Law Courts, and twice a year to be holden at some such place as is most agreeable to the Bailiffs Interest, if no House of his own; where, under pretence of having a Jury to serve his Majesty, the Bailiffs, through the adjacent parts, summons most of the ignorant Inhabitants, and such whom they conceive cannot attend the Court; and oftentimes summons at the Church-doors, on Sundays, the remotest persons, to attend the Court the next day; when the Court being thus set, an inspection is made to the Absenters, who are particularly called, and grievously amerced; and each Tything-man, and such like Officers, owing their Duty and Suit, not appearing, are likewise amerced, though ignorant of the time and place; and did they appear, is no Suit or Service required; and for those appearing, are seldom called, but the Court dismissed, pretending the Absenters absence hindred the making a Jury, though enough to make three Juries, and no necessary business for one man.

For these, the like, and many other Amerciaments, and heavy Fines, to carry colour and contenance, sometime before every Michaelmas, are two made men summoned to appear, and asseer the Books, who continue the same, or amerce as they think fit, all the Criminals, whereon the Bailiff, by colour of the Stewards Warrant, levies the same, and will not take an Amerciament without Distress, the better to advance 5, 10, 20, nay 40*s.* from each Offender for the labour of Distraining. The grieved person altogether without remedy.

All or most of those Inferiour Courts within the respective Counties, Hundreds, Lordships, and Peculiars, are either sold, or set to Farm at excessive Rates: How probable is it then to enjoy good Justiciaries, where Stewards, Registers, and Officers, are Farmers, Judges, and Executioners, &c.

Since a clause mentioned in a late Act of Parliament, for prevention of Trivial and vexatious Suits in Law, &c. and numbers of small trifling Suits in the Courts at Westminster, hath made them multiply in the Inferiour Courts, been more clamorous, fouler proceedings, Trials by Jury of Six, of base and mean Degree, more expensive and oppressive than ever.

For Prisons, being so many in several Counties, 'tis usual to Arrest by Process or White-rod in one place, and carry the Prisoner into another Peculiar, let fall the first Action, new arrest him, and convey him to such a Prison, as may be worst and most vexatious. The like is of goods taken, and carried from place to place, that the Owners have been undone by it, or the persons and Bailiffs unable to give satisfaction.

Inferiour Attorneys (not being of the Courts of Westminster) Officers, Parators, Bailiffs, Deputies, Agents, and such like Assistants, the Nation swarms with, and to that degree, they are supposed to exceed the Husbandmen and Labourers, and which sow such strife and discord (if not stopt, will ruine Trade and good Husbandry.)

In an Action of Detinue in an Inferiour Court, goods of the value of 2*s.* hath been expended near 10*l.* in another Court for *Ob.* near as much; in another for a Bridle, as much, &c. For redressing those Grievances, nothing can be more conducing, than lessening the number of Courts, Prisons onely to be Sheriffs-ward and Common Gaols. Attorneys and Solicitors to a certain number, and well qualified; Bailiffs and such Officers to those onely, for whom the Sheriff will answer by Action, &c.

That Justices of Peace, under a good qualification, end all differences for Assaults and Batteries, Debts, Trespasses, Slanders, and every other thing where the Debt or Damage exceeds not 40*s.* that the Church-rate, and recovery for small Tythes, be as the Poor Rate; and Nomination of Church-wardens, and other Officers, as the Over-seers of the Poor, and to be Annually Elected by Vote of the Parish; and all Rates to be published and confirmed at some publick place, by three Justices together at least, that all Complaints be first heard.

That no Fee for Counsel to be retained before any Justice of Peace to plead begiven, &c. or Justices Clark or Constable, for writing or Serving any Warrant, Precept, &c. take above 6*d.*

That if any person find himself agrieved by the Justice's order, may enter into Recognizance by way of Appeal, and try it by a Jury of Twelve at the next General Quarter Sessions; and if it pass against the Appellor, he to pay such Costs not exceeding 40*s.* as Justices think fit.

That all other Suits exceeding 40*s.* be tried at the Courts at Westminster, and by *Nisi prius*, &c. as usual; and that no other Suit, save to those Courts, Assizes and Sessions, &c. be required, &c.

That whereas several have most vexatiously been troubled in several Courts, concerning one and the same Cause; that no persons be punished above once, or in more Courts than one, for one and the same Offence.